

**Petition For Revival Of An Application For Patent Abandoned  
Unintentionally Under 37 CFR 1.137(b) (Small Entity)**

Docket No.  
13038

In Re Application Of: **Ian S. Zagon, et al.**

Serial No.  
09/431,843

Filing Date  
November 2, 1999

Examiner  
R. Landsman

Group Art Unit  
1647

Invention: **NOVEL NUCLEIC ACID MOLECULES ENCODING OPIOID GROWTH FACTOR RECEPTORS**

**RECEIVED**

**MAR 08 2004**

**OFFICE OF PETITIONS**

Attention: Office of Petitions  
COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper response to a notice or action by the Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extension of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee—required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. ☒ A proposed reply to the above-identified Office Action:

☒ is enclosed. ☐ was filed on \_\_\_\_\_

The proposed reply is in the form of: Request for Continued Examination & Amendment under 37 C.F.R. 1.137(c) and 1.114

2. ☐ The issue fee:

☐ is enclosed. ☐ was paid on \_\_\_\_\_

3. ☒ A small entity declaration:

☐ is enclosed. ☒ was filed on November 2, 1999

4. ☐ The abandoned application was a:

☐ design application. ☒ utility application. ☐ plant application.

5. ☐ A terminal disclaimer (and fee) disclaiming a period equivalent to the period of abandonment is enclosed.

6. ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

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**Calculation and Payment of Fees**

Enclosed are the following fees:

7. ☒ Petition fee under 37 CFR 1.17(m) in the amount of: \$665.00
8. ☐ Fee for amendment in the amount of: \_\_\_\_\_
9. ☐ Fee for extension of time to reply to Office Action in the amount of: \_\_\_\_\_
10. ☐ Issue fee in the amount of: \_\_\_\_\_
11. ☒ Continuing application filing fee in the amount of: (see accompanying papers (RCE)) \_\_\_\_\_
12. ☐ Terminal disclaimer fee in the amount of: \_\_\_\_\_
13. ☐ \_\_\_\_\_
- Total fees enclosed: \$665.00

The fee of **\$665** is to be paid as follows:

- ☒ A check in the amount of the fee is enclosed.
- ☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. **19-1013/SSMP**

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**Statement**

The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

SEE STATEMENT UNDER 37 C.F.R. 1.137(b) ATTACHED

  
Signature

Dated: **March 1, 2004**

**Frank S. DiGiglio**  
Registration No. 31,346  
**SCULLY, SCOTT, MURPHY & PRESSER**  
400 Garden City Plaza  
Garden City, New York 11530

**(516) 742-4343**

cc: **FSD/ZY:ab**

I certify that this document and fee is being deposited on **March 1, 2004** with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22312-1450.

  
Signature

**Frank S. DiGiglio**

Typed or Printed Name

**AMENDMENT TRANSMITTAL LETTER (Small Entity)**

Applicant(s): Ian S. Zagon, et al.

Docket No.

13038

Serial No.

09/431,843

Filing Date

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1647

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MAR 08 2004

**OFFICE OF PETITIONS**

Transmitted herewith is an amendment in the above-identified application.

- ☒ Small Entity status of this application has been established under 37 CFR 1.27 by a verified statement previously submitted.
- ☐ A verified statement to establish Small Entity status under 37 FR 1.27 is enclosed.

The fee has been calculated and is transmitted as shown below.

**CLAIMS AS AMENDED**

	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	26 -	37 =	0 x	\$9.00	\$0.00
INDEP. CLAIMS	4 -	29 =	0 x	\$43.00	\$0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$0.00

- ☒ No additional fee is required for amendment.
- ☐ Please charge Deposit Account No. \_\_\_\_\_ in the amount of \_\_\_\_\_
- ☐ A check in the amount of \_\_\_\_\_ to cover the filing fee is enclosed.
- ☒ The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. **19-1013/SSMP**
- ☒ Any additional filing fees required under 37 C.F.R. 1.16.
- ☒ Any patent application processing fees under 37 CFR 1.17.

  
SignatureDated: **March 1, 2004**

Frank S. DiGiglio  
Registration No. 31,346  
Scully, Scott, Murphy & Presser  
400 Garden City Plaza  
Garden City, New York 11530  
(516) 742-4343

I certify that this document and fee is being deposited on **March 1, 2004** with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
Signature

Frank S. DiGiglio

Typed or Printed Name

cc: FSD/ZY:ab